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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1463rd MEETING

Held at Headquarters, New York,
on Thursday, 25 July 1996, at 3 p.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 3.45 p.m.

SPECIAL COMMITTEE DECISION OF 15 AUGUST 1991 CONCERNING PUERTO RICO (continued)

1. At the invitation of the Chairman, Mrs. Elsie Váldez (Puertorriqueños Pro-Estadidad, Inc. and Liga Nacional de Ciudadanos Latinoamericanos Unidos) took a place at the petitioners' table.

2. Mrs. VÁLDEZ (Puertorriqueños Pro-Estadidad, Inc. and of the south-eastern region of the Liga Nacional de Ciudadanos Latinoamericanos Unidos), referring to bill HR3024 adopted by the Committee on Resources in the House of Representatives of the Congress of the United States of America, said that the bill was a viable alternative in the quest for solutions to the problem of the decolonization of Puerto Rico. Although they supported the bill, the organizations which she represented were opposed to the inclusion of colonialism as an option in the current version of the plebiscite on political status which the Congress intended to sponsor in 1998. In a decolonization process, the colonial option sho ld never be included, not even as a transitional measure.

3. In evaluating the bill, the chairmen of the committees and subcommittees of the United States Congress which had jurisdiction over Puerto Rico had said that Puerto Rico, in its current status as a Commonwealth was a territory subject to the powers that the Congress was entitled to exercise over colonies or territories of the United States under the federal Constitution. That statement amounted to an open admission that Puerto Rico was a colony.

4. According to the Partido Popular Democrático (PPD), which supported the colonial status of Puerto Rico, Public Law 600 of the United States Congress, adopted in 1950, had offered Puerto Rico a compact which had put an end to the colonial relationship begun in 1898 with the Treaty of Paris between the United States and Spain. On the basis of that so-called compact, the General Assembly of the United Nations had been able to adopt resolution 748 (VIII) of 27 November 1953, which removed Puerto Rico from the list of territories on which the United States was required to submit annual reports.

5. More importantly, if more than 40 years later, everyone, including the United States Congress, accepted the obvious fact that Puerto Rico was still a colony, a short-term solution would have to be found. She wished to clarify that Puerto Rico had never conceded sovereignty to the United States nor had it signed any compact with that country, for legally it did not have the status of equality required in order to do so. There were, however, laws which unilaterally governed all aspects of political and economic life in Puerto Rico, adopted by a federal Congress in which the United States citizens of Puerto Rico were not represented and had no voting rights. In accordance with Public Law 600, the Puerto Ricans had been authorized to draft a Constitution but in strict conformity with the parameters imposed by the Congress of the United States and subject to its approval and to the approval of the President of the United States. Thus far, federal legislation took precedence over any local legislation adopted by the Legislative Assembly of Puerto Rico.

6. The Special Committee and the United Nations must, without further delay, find the solution to such a long-debated question; they must bear in mind humankind, anti-colonialism and the 3.7 million inhabitants of Puerto Rico and take the decision to restore Puerto Rico to the list of colonies on which the United States is required to submit reports to the United Nations. In that connection, the Special Committee should take advantage of the fact that, at the moment, the Committee on Resources of the House of Representatives recognized the colonial status of Puerto Rico and explore the possibility of rescinding resolution 748 (VIII). The Congress of the United States, the staunchest defender of democratic principles, could not ignore the nearly century-old problem of the island's political status. That unsolved problem had placed the United States citizens of Puerto Rico at a great disadvantage, and denying them the opportunity to determine realistically their political and economic destiny in accordance with the Constitutional law of the United States and with international law.

7. The options for the solution of the political status of Puerto Rico were very clear: separation or statehood. Both were inalienable rights of the Puerto Ricans, who should therefore have the opportunity to choose one or the other. In view of their subordination, and of the cost of colonialism to the United States citizens of Puerto Rico, and, in particular, to the citizens of the 50 states who worked and paid their taxes to the Treasury of the United States, the alternative was either to exercise full and independent sovereignty or to exercise it on an equal footing with the other states of the Union.

8. Although the colonialist leaders alleged that Puerto Rico, in its Commonwealth status, had not been a colony of the United States since 1952, over time the truth had come out and the Special Committee was still discussing jurisdiction over Puerto Rico. She therefore requested that the situation should be recognized for what it was and insisted that the Committee should take action without further delay; otherwise, it would bear as much responsibility as the Government of the United States for the fact that Puerto Rico was entering the new millennium as the oldest colonial territory in America. Lastly, she stressed that the organizations she represented desired union with the United States, but that they were prepared to respect the decision taken by the Puerto Rican people.

9. Mrs. Váldez withdrew.

10. The CHAIRMAN said that, in accordance with the decision adopted at its 1461st meeting, held on 24 July 1996, the Committee would defer consideration of the question until its 1997 session.

QUESTION OF TOKELAU (A/AC.109/L.1851)

11. The CHAIRMAN said that the Permanent Representative of New Zealand to the United Nations had requested authorization for the Administrator of Tokelau and the Ulu-o-Tokelau to appear before the Special Committee in July rather than deliver their statements in the meetings of the Subcommittee on Small Territories, Petitions, Information and Assistance. Accordingly, the Subcommittee had recommended that in 1996 the Special Committee should consider and adopt draft resolution A/AC.109/L.1851 on the situation in Tokelau.

12. Mr. WATT (Administrator of Tokelau) said that the Faipule played the role of head and representative in each of the three atolls which made up Tokelau, and that the functions of the Pulenuku were equivalent to those of the village mayor. Since 1994, Faipule had also served as ministers at the head of a new national Government and, together, they formed the Council of Faipule or Cabinet. The Council's leadership rotated, such that every year one of the Faipule served as Ulu-o-Tokelau or head of the Government.

13. The three atolls of Tokelau were attempting to form a single nation and an entire people was striving to establish a new form of Government in keeping with its traditions and culture. Nonetheless, the new national Government was afraid of being cast adrift once it attained self-determination. The important mission of the Ulu in coming to the United Nations was to return with a reassuring and positive message for his people.

14. Despite the fact that the General Assembly, in its resolution 43/47 of 22 November 1988, had declared the 1990s as the International Decade for the Eradication of Colonialism, the Special Committee did not give the impression of being very energetic. Except for the case of Tokelau, in which everything pointed to the success of the decolonization process in the 1990s, the Special Committee ran the risk of foundering on the reef of international politics and bureaucracy.

15. Tokelau served as a reminder that the prescription which had enabled the major post-war work of decolonization to be completed did not meet the needs of the minute vestiges of the colonial era. For the smallest territories, independence, the solution preferred by the United Nations, seldom seemed a viable option.

16. The lesson to be drawn from Tokelau's experience, and that the Special Committee should bear in mind, was that the specific situation of each territory must be considered above all, including its historical evolution and the negative and positive influences it had received from the outside.

17. The United Nations must assume its true role in the remaining process of decolonization in order to pursue common objectives with the territories and the administering Powers.

18. For more than 30 years, Tokelau had felt that the options offered under General Assembly resolution 1541 (XV) were not relevant to its situation. Currently, however, Tokelau was ready to contemplate an act of self-determination. That dramatic change in attitude reflected the cumulative effect of contact with the outside world and also the investment made since the 1960s in its human resources and capacity-building. The political will to establish a national government and to move towards self-determination was the result of a process of reflection and wide consultations with the people.

19. New Zealand, using the machinery established by the United Nations to work towards solutions which fitted the peoples of the South Pacific, had adopted innovative solutions in Western Samoa in 1962, in the Cook Islands in 1965 and in Niue in 1974. Assisted by a paper presented to a regional seminar in 1993, the concept of free association in the South Pacific had undergone a

constructive evolution. From that, Tokelau had derived confidence to plan for a future relationship of free association with New Zealand. Juan Fernández, former Chancellor of the University of Puerto Rico, had stated, at a conference on comparative island governing styles, that New Zealand had managed to amplify the possibilities for legitimate decolonization.

20. The process for Tokelau was not a typical case of transfer of power. The administering Power was not setting the conditions and the goals. The people of the atolls themselves were deciding on their own course, drawing on their own tradition and writing their own Constitution. That document was taking shape, and to date, nothing had yet been written in English. The process was made easier because there had never been a resident New Zealand administration in the islands.

21. New Zealand's role lay in assisting in the fulfilment of aspirations in Tokelau by providing nurture and support. On 1 August 1996, the Tokelau Amendment Act of 1996 would enter into force. It gave legislative power to the General Fono, the supreme national body. In 1994, the executive power of the Administrator had been delegated to the General Fono and the Council of Faipule. The Ulu carried a large responsibility; he and his colleagues must convince the traditional leadership, the elders and a younger generation that the new nation could succeed.

22. The process depended equally on moral and material support from the outside. New Zealand was Tokelau's prime partner, yet the United Nations also played an invaluable role, as could be seen in the development of a modern telecommunication system that, with the assistance of the United Nations Development Programme (UNDP) and the International Telecommunication Union (ITU), would become operational in 1997. The support of the international community was important because the resources of Tokelau would not cover the material needs of self-determination and self-government.

23. For territories as small and remote as Tokelau, self-determination was not an end in itself, but a significant step in an ongoing process. The United Nations should participate in that post-colonization process, though not on the basis of the machinery devised during the 1960s.

24. The Faipule PIO TUIA (Tokelau) said that, since 1992, but particularly in the past two and a half years, Tokelau had undergone an unprecedented government restructuring with a view to a more comprehensive degree of self-government.

25. The delegation of the executive powers of the Administrator of Tokelau to the General Fono and the Council of Faipule in 1994 had been a major step towards the creation of a government in the atolls. Another development that had made a significant contribution to the building of a national government had been the development of the first National Strategic Plan, more commonly referred to as the National Strategic Direction. Further, the elected leaders (Faipule) had assumed ministerial posts.

26. A significant step in the terms of national and local decision-making process was the participation of all the people in determining the path for the future, as articulated in the National Strategic Direction. That had involved a

major departure from tradition, since customary decision-making had been the sole prerogative of the elders. In the current process of developing a constitution for Tokelau, popular consultation and participation was a significant feature. That wide consultation process had also provided an opportunity for the people to be informed on related matters including the role of the judicial branch, human rights, the relationship with New Zealand after self-determination and the natural concern about future neglect.

27. Tokelau needed time to develop such relatively new concepts as accountability, transparency, efficiency and effectiveness. In the meanwhile, the Special Constitution Committee was continuing to work on drafting a constitution and to discuss concepts and principles that should be part of it. The General Fono had requested a first draft of the Constitution to be presented to its January 1997 session.

28. The Tokelau Amendment Act of 1996 would enter into force on 1 August 1996. That Act conferred on Tokelau the power to make and enact legislation. For the first time the Tokelaun language was used in a New Zealand law, in its preamble. In the translation of the law into the Tokelaun language, an effort had been made to ensure that it could be easily understood by all the peoples of the atolls.

29. The assumption of legislative power marked the return to the situation before contact with the West, when the leaders of Tokelau had had total decision-making powers.

30. Tokelau reaffirmed its commitment to the process of achieving self-government, an enormous task given its historic aversion to change. In order to complete that process, it required the support of the administering Power and of the United Nations. It was important for it to achieve self-determination at its own pace and to find solutions appropriate to its situation; Tokelau itself must provide the impetus for the process.

31. Tokelau was fully aware of its limited physical resources and that, despite all its efforts to be self-reliant to the greatest extent possible, it could not sustain itself economically, not currently, nor once self-determination had been achieved. It sought assurance from the international community, through the United Nations and New Zealand, as administering Power, that it would not be cast off to fend for itself after self-determination.

32. In that connection, he was encouraged by New Zealand's continued commitment to assisting Tokelau once the latter achieved self-determination. That commitment had recently been reaffirmed by the representative of New Zealand in the Fourth Committee during the fiftieth session of the General Assembly. He hoped that the interest of the United Nations in territories such as Tokelau would not cease after the end of the International Decade for the Eradication of Colonialism, nor when those territories achieved self-determination.

33. Over the previous three decades his Government, through the public service, had increasingly taken over functions that had formerly been the prerogative of the Council of Elders. The introduction of new structures had created disagreements with the traditional leadership of the villages. It had been felt

by many that the traditional authority of the Elders was being undermined. The decision, simultaneous with the delegation of the Administrator's authority, to shift the headquarters of the Tokelau Public Service from Apia to the atolls had therefore been timely. The accountability of the Service to Tokelau's national and village leadership had been most useful for the purpose of deciding what was worth keeping and what needed to be changed.

34. The foundation of Tokelau was its villages. The role of the Government was therefore to help the development of the villages, for it was only in that way that the development of Tokelau would be successful. It was necessary to provide the right structures and the necessary support for the Councils of Elders of the villages. Many of the challenges facing the traditional leaders were beyond their everyday experience. It was vital that the village authorities should be given professional help to enable them to deal with both traditional and contemporary issues. That required a change in the way in which human and financial resources were deployed. It would inevitably lead to a smaller national public service and strengthened village services.

35. In the economic field, Tokelau's goal was to achieve the greatest possible self-sufficiency. To do so it would endeavour to create the right environment to allow the people to exploit the opportunities for self-help to the full. That was a sensitive task, given the cultural context in Tokelau and the aversion to change which was inherent in that culture. The Territory would endeavour to adopt policies and practices to encourage investment and private enterprise. Dialogue on that subject with the Government of New Zealand and United Nations agencies would continue.

36. Over the previous two years the Government of New Zealand had helped Tokelau to improve shipping, create a reliable source of electricity and establish a system of communication with the outside world. Many might wonder why the Territory needed to have services which it could not afford; it was because Tokelau was part of the world village, and did not exist in a vacuum. The island's environment was very fragile and could not support a large population. The only option was therefore to rely on the goodwill of the Government of New Zealand to allow the citizens of Tokelau free access into that country. That same opportunity became a problem since, if the level of services and the quality of life could no longer attract the people, a process of depopulation would begin, making it impossible to provide a viable future for those who wished to stay.

37. Tokelau had considered the integration option, but the associated problems appeared to outweigh the benefits. For the people of Tokelau the goal was clear. They had the desire and the will to continue a way of life which was unique, meaningful and enriching. They asked only to be given the necessary support in order to strike a balance between self-help and external assistance. Tokelau was grateful to the Government of New Zealand for the assistance it had provided, enabling the Territory to fulfil many of its goals, and particularly to a very wise Elder who had been working for the good of Tokelau, the current Administrator of the Territory, Mr. Lindsay Watt. Tokelau was also grateful to the Special Committee, and to the United Nations and its various agencies.

38. Mr. YARKA (Papua New Guinea) said that the information provided by the Administrator of Tokelau and by Mr. Pio Tuia was precisely what the Special Committee needed in order to fulfil its mandate and work towards the Organization's goal of eradicating colonialism by the year 2000. His Government welcomed the willingness of the people and the Government of New Zealand to ensure Tokelau's self-determination. New Zealand was possibly the only administering Power which had continued to cooperate with the Special Committee; one example of that cooperation was its willingness to provide access to the Territory for a visiting mission in 1994.

39. He commended the legislative and constitutional progress which had been achieved and the adoption by the New Zealand Parliament in May 1996 of an Act modifying the status of Tokelau and authorizing the General Fono to establish rules which were appropriate to the needs of the people of the atoll. The preparation of the first National Strategic Plan would enable Tokelau to move forward in the running of its own affairs. His Government was confident in the ability of the leaders of the Territory to manage the interests of the people of Tokelau successfully.

40. He also welcomed the activities of certain United Nations agencies, particularly UNDP, which should be extended to other small island States in order to facilitate their development. As a neighbouring friendly country, Papua New Guinea looked forward to working closely with Tokelau at the bilateral and regional levels.

41. Papua New Guinea supported the draft resolution on Tokelau which was before the Special Committee and hoped that it would be adopted.

42. Mr. RIVERO ROSARIO (Cuba) said that his delegation welcomed the contribution of the Administering Power to the work of the Special Committee and to the decolonization process, particularly in the case of Tokelau. The Committee had often had cause to complain of the lack of information from the representatives of Non-Self-Governing Territories and the consequent considerable problems for the Committee's work.

Draft resolution A/AC.109/L.1851

43. The CHAIRMAN said that, if there were no more speakers, the Committee would begin its consideration of draft resolution A/AC.109/L.1851. According to the rules of procedure, the Committee would have to apply the 24-hour rule; however, he suggested that the Committee should make an exception to that rule and take a decision on the draft resolution at the current meeting. If there were no objections, he would take it that the Committee wished to proceed accordingly.

44. It was so decided.

45. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to adopt draft resolution A/AC.109/L.1851 without a vote.

46. Draft resolution A/AC.109/L.1851 was adopted without a vote.

The meeting rose at 5.05 p.m.